



Cleveland Board of Zoning Appeals

Monday May 23, 2022

****PLEASE MUTE YOUR MICROPHONE****

Kelley Britt, Board Chair

Elizabeth Kukla, Secretary

Cleveland Board of Zoning Appeals

May 23, 2022

Preamble

IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW, AND SECTION 101.021 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, NOTICE OF THIS MEETING HAS BEEN PUBLICLY POSTED.

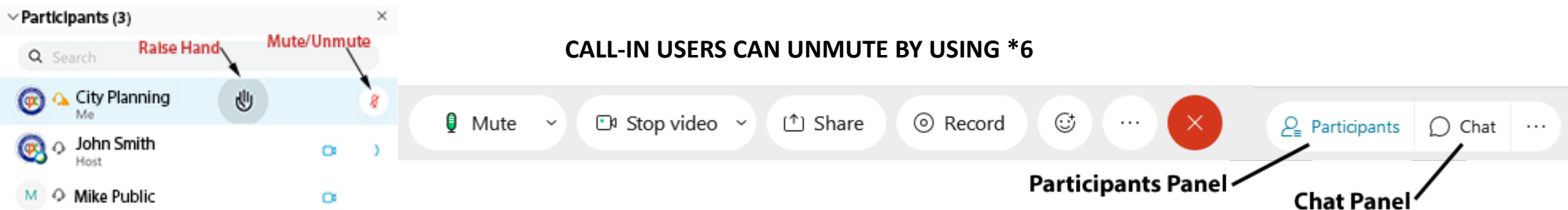
ALL BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING OF ANY VOTE.

IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING THE HAND ICON. PLEASE WAIT FOR THE CHAIR OR FACILITATOR TO RECOGNIZE YOU AND BE SURE TO SELECT UNMUTE AND ANNOUNCE YOURSELF BEFORE YOU SPEAK.

WHEN FINISHED SPEAKING, PLEASE LOWER YOUR HAND BY CLICKING ON THE RAISE HAND ICON AGAIN AND MUTE YOUR MICROPHONE.

WE WILL ALSO BE UTILIZING THE CHAT FEATURE TO COMMUNICATE WITH PARTICIPANTS. THE CHAT FEATURE CAN BE ACTIVATED BY CLICKING THE CHAT BUTTON LOCATED ON THE BOTTOM OF THE WEBEX SCREEN.

CALL-IN USERS CAN UNMUTE BY USING *6



The screenshot displays the Webex interface. On the left, the 'Participants (3)' panel lists 'City Planning Me', 'John Smith Host', and 'Mike Public'. Arrows point from the 'Raise Hand' and 'Mute/Unmute' labels to the hand icon and the microphone icon in the 'City Planning Me' row, respectively. At the bottom, a toolbar contains buttons for 'Mute', 'Stop video', 'Share', 'Record', a smiley face, a red 'X' button, 'Participants', and 'Chat'. Arrows point from the 'Participants Panel' and 'Chat Panel' labels to the 'Participants' and 'Chat' buttons in the toolbar.

Cleveland Board of Zoning Appeals

May 23, 2022

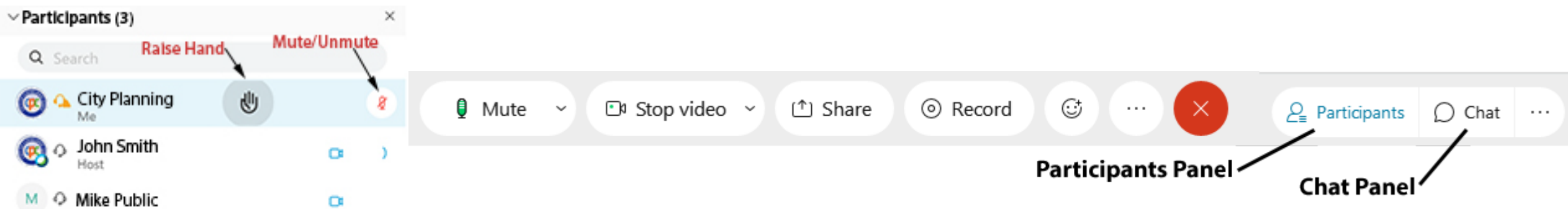
Preamble

ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.
THESE PROCEEDINGS ARE ALSO BEING LIVE STREAMED VIA YOUTUBE FOR PUBLIC VIEW.

WE HAVE PROVIDED A LINK TO THE MEETING FOR THOSE WHO WISH TO SPEAK ON A PARTICULAR CASE VIA OUR WEBSITE AND EMAIL.

ALL REQUESTS TO SPEAK ON A PARTICULAR MATTER HAVE BEEN CONSIDERED.

WE HAVE ALSO RECEIVED EMAILS FROM THOSE WHO HAVE PROVIDED WRITTEN COMMENT ON A PARTICULAR MATTER.



Cleveland Board of Zoning Appeals

Call to Order & Roll Call



Cleveland Board of Zoning Appeals

Postponements/Withdrawals



Postponements / Withdrawals



Calendar No. 22-091:

2226 W. 11 St.

Ward 3

1209 Fairfield LLC., owner, proposes to construct and establish use as a parking lot in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances

1. Section 349.13(c) which states that a parking lot is not permitted use in a Multi-Family residential district. The board of zoning appeals may permit temporarily or permanently the use of land in a residence district other than Limited One Family District for a parking lot when the best interest of the community will be served and provided that:

- The lot is to be used only for parking of passenger automobiles of employees customers or guests of a person or firm controlling and operating the lot, who shall be responsible for its maintenance.
- No charges to be made for parking lot number.
- The lot is not to be used for sales repair work or service of any kind number.
- Entrance to and exit from the lot are to be located so as to do the least harm from the residential district.
- No advertising sign or materials to be located on the lot.
- All parking is being kept back of the setback building line by barrier unless specifically authorized otherwise by the board.
- The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street from the adjoining property in a residence district by a hedge sightly fence or wall not less than 4 feet 6 inches high and not more than 5 feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is known to occupants of adjoining property and residence district and the surface parking lot is to be smoothly grated hard surfaced and adequately drained.
- The building permit number under which the lot is established as to be posted.
- Such other and further conditions may be imposed as the board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot up on the character development and maintenance of the residence district in which the parking lot is to be located.

Cleveland Board of Zoning Appeals

Public Hearing



Public Hearing

Calendar No. 22-065:

4340 East 71 Street

Ward 12

Ohio Real Token 1 LLC., owner, proposes to install a 6-foot-tall fence in a B1 Local Retail Business District. The owner appeals for relief from the strict application of Section 358.05(a)(2) which states that in non-residential districts, other than General and Unrestricted Industry Districts, fences in actual front yard and side street yard shall not exceed 4 feet in height and shall be at least 50% open above 2 ½ feet in height; proposed fence is 6 foot high privacy fence (solid).



Public Hearing

Calendar No. 22-065:

4340 East 71 Street

Ward 12



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

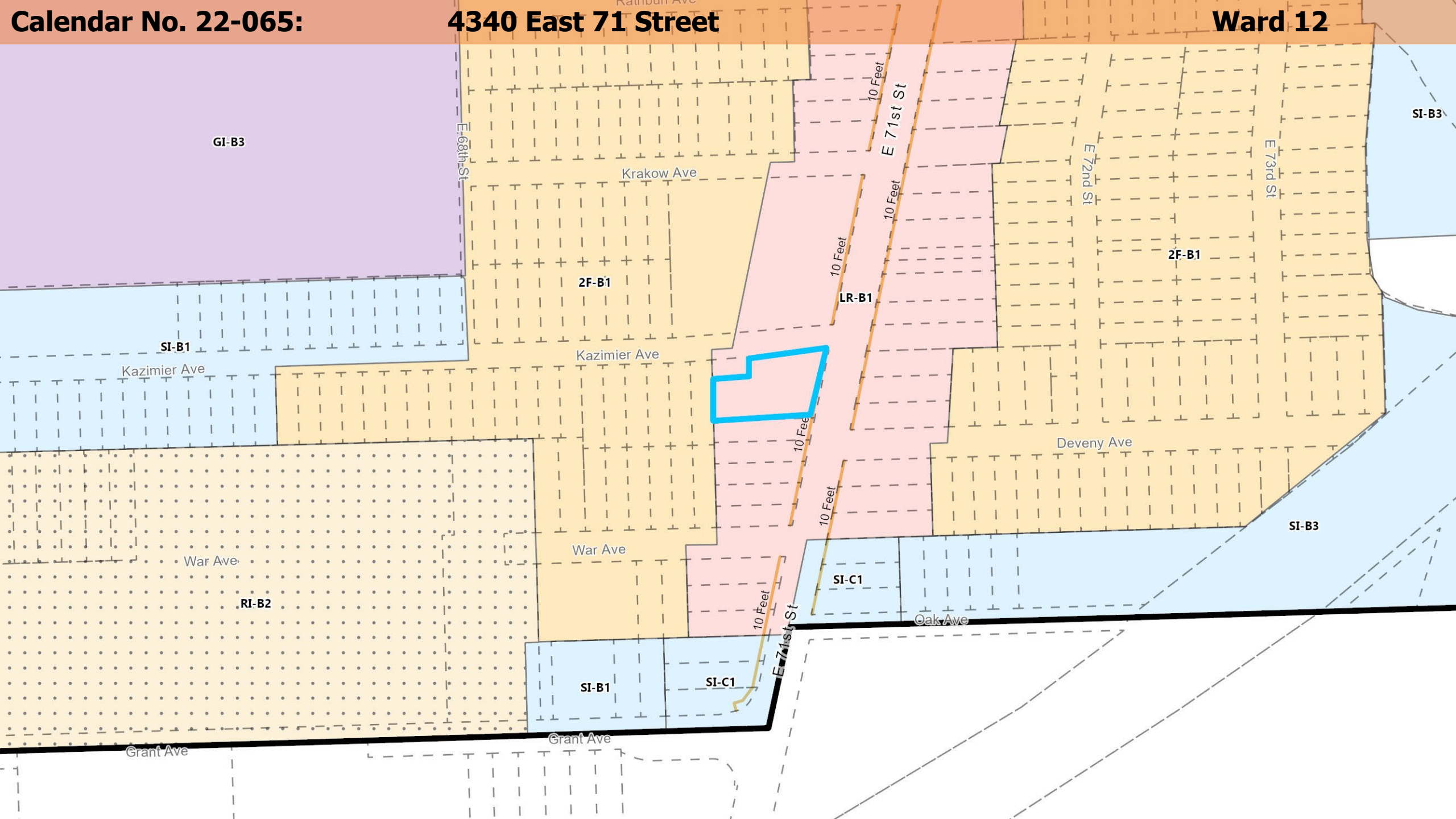
Madam Chair, Members of the Board, Appellant is requesting an area variance from the fencing regulation of the zoning code.

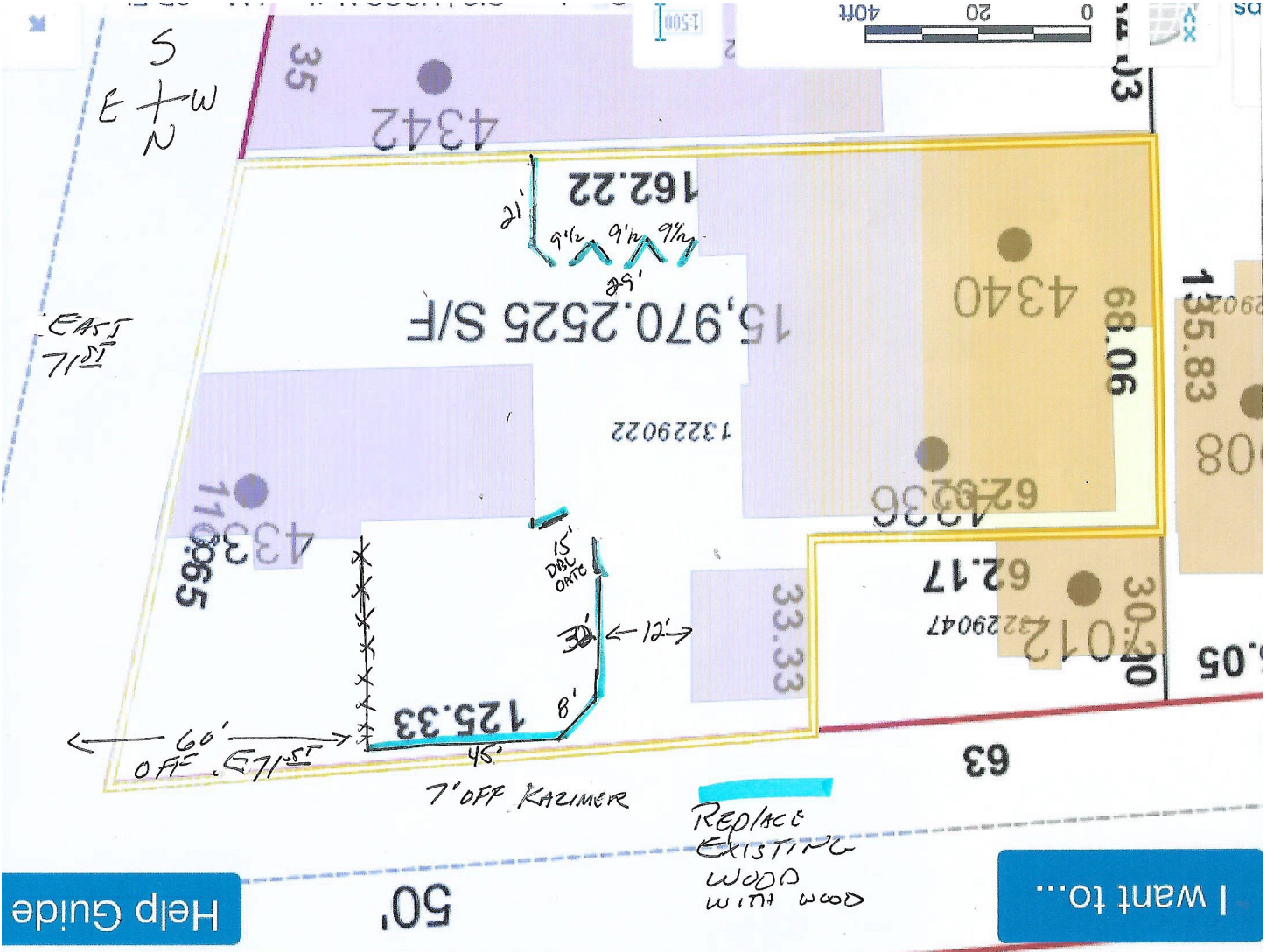
To obtain the area variance, Appellant must prove that denying the request:

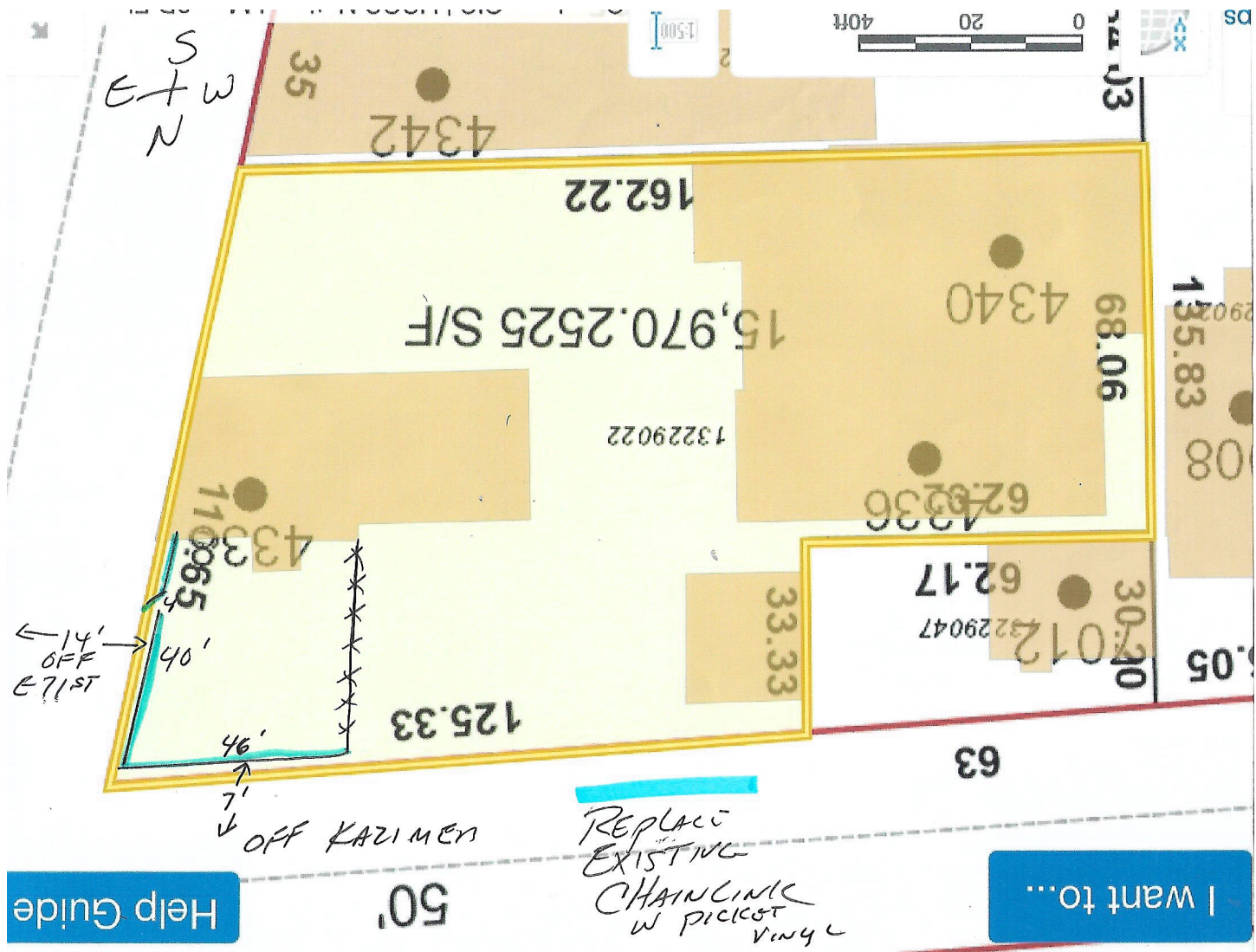
1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.











Public Hearing

Calendar No. 22-064:

656 E. 109 Street

Ward 9

Elizabeth Tilly, owner, proposes to establish use as a residential facility for 9 occupants in a One-Family Residential District. The owner appeals for relief from strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that "Residential Facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one(1) or two(2) unrelated persons with mental illness, (b) one (1) or two(2) unrelated adults who are receiving residential state supplement payments as defined in Ohio Revised Code, or (c) three to 16 unrelated adults.
2. Section 337.03(h) which states that a "Residential Facility" as defined in Chapter 325 of the Zoning Code for more than five residents as not permitted in that one family district but first permitted in a Multi-Family District.



Public Hearing

Calendar No. 22-064:

656 E. 109 Street

Ward 9



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

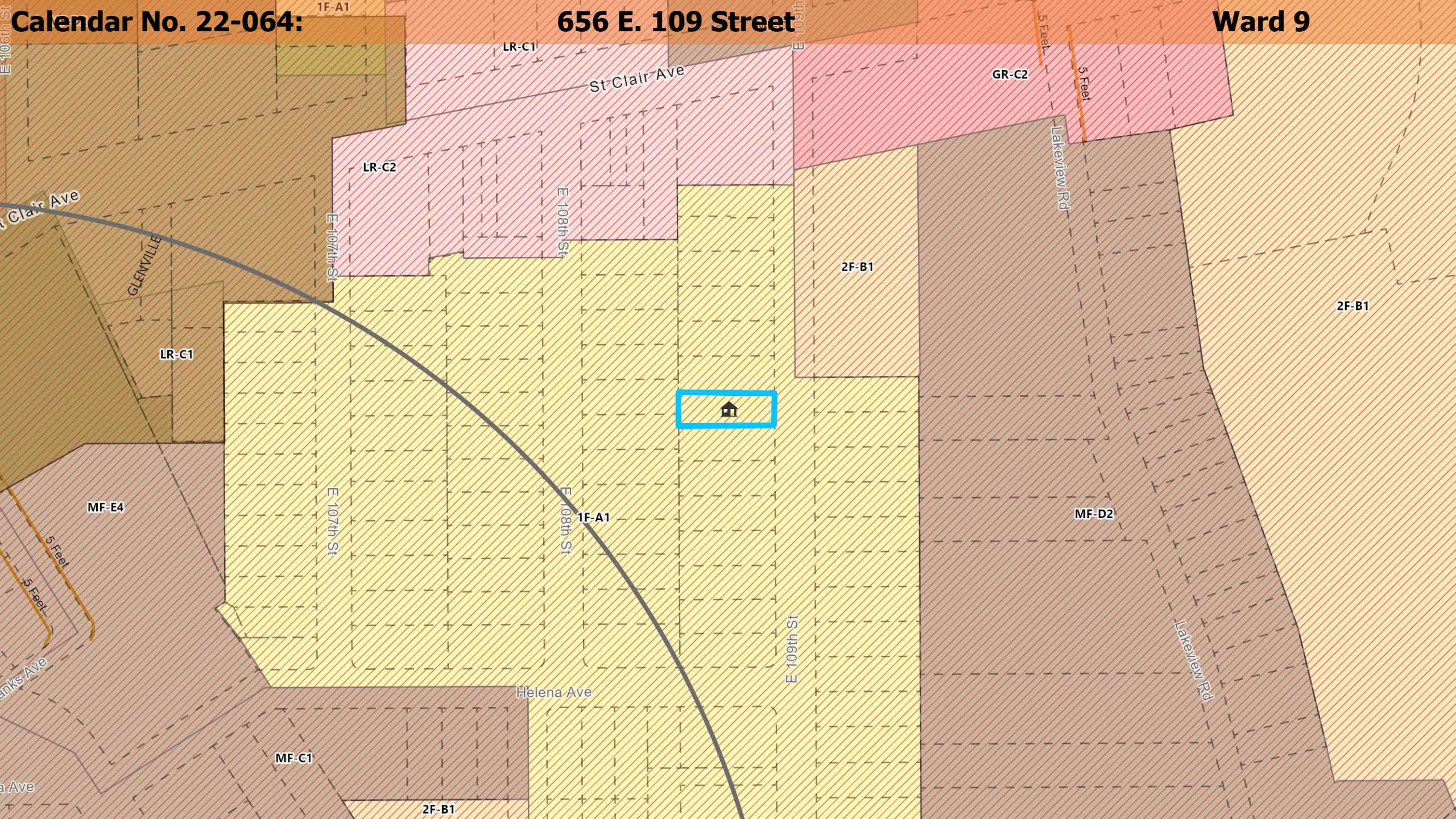
Madam Chair, Members of the Board, Appellant is requesting a use variance from the regulations of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.







Calendar No. 22-064:

656 E. 109 Street

Ward 9





REVISONS	<u>TRIBE ARCHITECTS</u> 1300 E. 187th STREET CLEVELAND, OHIO 44110 (216) 486-8000 GAIL: gtrip@tribearchitects.com		SHEET 1 OF 2 <u>ROYAL HAVEN INC</u> 656 E.109th STREET CLEVELAND, OHIO	
	BASEMENT & 1st FLOOR PLANS		DATE: 8-25-21 SCALE: 1/4"=1'-0" DRAWN BY: H.E.J.R.	CHECKED: D.W. A-1



REVISIONS	TRIBE ARCHITECTS 1300 E. 187th STREET CLEVELAND, OHIO 44110 CALL : (216) 461-9900 FAX : (216) 461-9901		ROYAL HAVEN INC 656 E.109th STREET CLEVELAND, OHIO	
	2nd & 3rd FLOOR PLANS		DATE : 8-23-21 SCALE: 1/4"=1'-0" DRAWN BY: H.E.R.	CHECKED : D.M. A-2

Supplemental Information Required to Review Group Home /Adult Day Care Applications

1. What will be the maximum client population at the facility?

Answer: 9 residents

2. What will be the ages of the client population?

Answer: 40 – 75 years old

3. Will the population be male or female, or mixed?

Answer: Male

4. Will clients be physically challenged? If so, what is the nature of the challenge?

Answer: No

5. Will any of the clients be mentally challenged, or suffering from mental disease or illness? If so, what is the nature of mental disease or illness?

Answer: Yes, they are medical conditions that disrupt a person's thinking, feeling, mood, behavior, daily functioning, and ability to relate to others.

6. Will there be any physical or mental therapy occurring on the premises? If so, describe the type and procedure of therapy?

Answer: No

7. Will medicine be dispensed on the premises? If so, describe the type of medication, who will administer the medicine, and where and how the medicine will be stored on the premises?

Answer: In adherence to (State Residential Rule 5122-30-28) Prescription medication only for whom the medication was prescribed and according to the prescribing physician's written instructions. Staff, who have the training required in paragraph (B) of rule 5122-30-20 of the Administrative Code, may only perform any of the following in providing assistance with self-administration of medication: The facility shall provide a central locked storage area for resident medications and shall store medications for residents needing assistance with self-administration.

8. How many persons will staff the facility? Will any of these persons be registered medical professionals?

Answer: 2 staff on 1st and 2nd shift, and 3rd shift 1 staff member. No, not required by the state.

9. Are any other city, state, or country licenses required to operate the facility? If so, list what licenses or certificates are required by what issuing agency, and whether such licenses or certificates have already been obtained?

Answer: Ohio Department Mental Health and Addiction Services Licensure and Certification (OhioMHAS) Class Two Residential Facility License. Yes, Facility License Number: 03-7670

10. What hours will the clients be on the premises? Will there be overnight stays or actual residence?

Answer: 24 /7. Yes, this is a Residential Facility a home for mental ill men.

11. Will any of the clients be referred from any other agencies? If so, which agencies will be referring the clients?

Answer: Yes, OhioMHAS, Community Behavioral, McGregor Pace, and Veteran Affairs

FINAL

Certificate of Occupancy

CITY OF CLEVELAND

CO19031124

This Certificate issued pursuant to the requirements of Section 3105.10 of the Codified Ordinances of the City of Cleveland certifying that at the time of issuance this structure was in compliance with the various ordinances of the Building and Zoning codes of the City of Cleveland and O.B.C., regulating building construction and use.

Building Description STATE LICENSED RESIDENTIAL FACILITY FOR UP TO 5 MAX RESIDENTS PER C.C.O 325.571

Occupancy Classification ONE FAMILY

Type Construction VB Zoning Use District ONE FAMILY/ A-1

Allowable Load Per Sq. Ft. Per Floor EXISTING

Occupant Load Per Floor 1DU

Special Conditions

Owner of Building ELIZABETH TILLEY Address 12412 OSCEOLA AVE. CLEVELAND, OH 44108-2768

Building Address 656 E 109 ST. CLEVELAND, OH 44108

Building Permit No. B19022635

Permit Date: 08/20/2019

Fee: \$60.00

Issue Date: 09/09/2019

Date: 9/16/2019

Thomas E. Vanover

Chief Building Official

POST IN CONSPICUOUS PLACE

RECEIVED

APR 19 2022

FILED IN
ZONING APPEALS

ADULT CARE FACILITY RESIDENTS' BILL OF RIGHTS

The rights of adult care facility (ACF) residents are protected under Ohio law.

Adult care facility residents have the right to:

1. a safe, healthy, clean, and decent living environment.
2. be treated at all times with courtesy, respect, and with full recognition of dignity and individuality.
3. practice a religion of choice or to abstain from the practice of religion.
4. manage personal financial affairs.
5. retain and use personal clothing.
6. ownership and reasonable use of personal property.
7. participate in activities within the facility and to use the common areas of the facility.
8. participate in or refrain from engaging in activities of the resident's own choosing within reason.
9. private and unrestricted communications, including:
 - a. receive, send, and mail sealed, unopened correspondence.
 - b. reasonable access to a telephone for private communications.
 - c. private visits at any reasonable hour.
10. initiate and maintain contact with the community and to participate in community group activities at own initiative or at the initiative of community groups.
11. state grievances to the owner or manager of the facility, any governmental agency, or any other person without reprisal.
12. visit the facility alone or with a sponsor prior to becoming a resident.
13. retain the services of any health or social services practitioner at the resident's own expense.
14. refuse medical treatment or services unless the resident is adjudicated incompetent by a court and the right to have a legal guardian make these decisions.
15. be free from abuse, neglect, or exploitation.
16. be free from physical restraints.
17. not to be deprived of any legal rights solely by reason of residence in a facility.
18. examine records maintained by the facility concerning the resident upon request.
19. confidential treatment of personal records and to approve or refuse release of these records, except upon transfer to another facility, hospital, or provider, and except as required by law, rule, or a third-party payment contract.



20. be informed in writing of the rates charged by the facility as well as any additional charges, and to receive thirty days notice in writing of any change in the rates and charges.
21. have any significant change in physical health or behavioral status reported to the resident's case manager and sponsor.
22. share a room with a spouse, if both are residents of the facility.

In addition, residents have the right to:

1. not to be locked out of the facility. If the facility is locked during any portion of the day, each resident should be provided with a key or a staff member should be immediately available on the premises to open the door.
2. not to be locked in the facility at any time for any reason. All lockable doors should be capable of being opened by residents from the inside without using a key.
3. not to be isolated or to have food or other services withheld for punishment, incentive, convenience, or due to the ACF manager or staff member exceeding instructions contained in a mental health plan for care.
4. receive a written thirty (30) day notice of a proposed discharge or transfer and the right to appeal the discharge.

Each ACF is required to have a written residents' rights policy and post a copy of the rights within the facility. At the time of admission, the manager is required to provide a copy of the residents' rights policy to the resident and the resident's sponsor, if any, and explain the contents. In addition, a sponsor has the right to advocate on the behalf of the resident.

Long Term Care Ombudsman
2800 Euclid Ave., # 200
Cleveland, Ohio 44115
216-696-2719 or toll free at 1-800-365-3112
Email: concerns@ltco.org

Serving Cuyahoga, Geauga, Lake, Lorain, and Medina Counties





Our Mission

To provide stable and compassionate care to our residents in a family environment setting by assisting them to connect to life supporting skills and resources that will help them adapt to life within the community.

Our Vision

Royal Haven Inc. seeks to establish a series of homes to meet the needs of men and women who are searching for a family home environment located on the eastside of Cleveland.

The Royal Haven **Adult Care Facility (ACF)** is our first home where up to four men can live very comfortably and begin to enjoy all the comforts of a stable, caring, and healthy life style.

This home would allow the men to develop a positive support system that will address their constructive social needs of integration in the community.

The residence is designed to welcome their family support and build their inward self-esteem to meet the everyday challenges of life with optimism.



Adult Care Facility



Royal Haven Incorporated

"It takes a village to raise a child and a community to advance an adult."

656 East 109th
Cleveland, OH 44108
www.RoyalHavenInc.org

About Royal Haven Inc.

Elizabeth Tilley, a Glenville resident, ex-offender and 2013 graduate of John Carroll University saw the need for a local organization that could help an individual with soft skills to reenter the society of today, thus; she founded Royal Haven Inc. in 2014.

Because Ms. Tilley personally understands the plight of crime and addiction, she believes Royal Haven Inc. working alongside of and connecting with other community partners and social organizations in Greater Cleveland will help form a coalition to train people to regain productivity in the local community and the surrounding Cleveland area.



The Adult Care Facility Home

The Adult Care Facility (ACF) is a residential care home established for the purpose of providing accommodations, supervision and personal care services to unrelated mentally ill adults.

The residential care home will focus on helping people in nursing homes who would otherwise be in a home but family members do not have the capacity to care for them.

The residential care home will provide a stable, non-smoking environment that is filled with scheduled and routine activities to adults the age of 40 and up who do not present with memory loss or any form of dementia.

Services & Accommodations:

The residential care home will provide housing, healthy meal preparation, laundry, housekeeping, transportation, social or recreational activities, maintenance, security, and similar services that are not personal care services or skilled nursing care.

Supervision: There will be 24 hour 7 days a week attended care.

Personal Care: Light reminders about personal care, and all personal cosmetics are furnished.

Social/Recreational Activities: Supervised weekly field trips, for example; movies, museums, Cleveland Zoo, Playhouse Square, sport events when possible, monthly shopping for personal items, and a dine out night.



Elizabeth Tilley creates Royal Haven home for men with mental illness

Published: Dec. 30, 2018, 6:00 a.m.

By [Julie Washington, cleveland.com](#)



Dinnertime at Royal Haven. Elizabeth Tilley helps residents Christopher and David fill their plates. (Chuck Crow/The Plain Dealer)

CLEVELAND, Ohio -- Elizabeth Tilley has made it her life mission to help people with mental illness. It's her way of giving back.

Tilley, 60, wears her hair in an elaborate braid coiled on top of her head. Behind her warm smile, there's a hint of steely resolve.

Raised in London by a mother with mental illness, Tilley came to Cleveland as a teenager to marry an American. The marriage ended, she fell in with the wrong crowd, then went to prison more than once.

She got hooked on crack cocaine and alcohol. She got kicked out of the country, re-entered illegally, and landed in prison again.

Then she reinvented herself.

Public Hearing

Calendar No. 22-068:

3195 E. 65 Street

Ward 5

David Sims, owner, proposes to install a fence and gate in a B2 Two-Family Residential District. The owner appeals for relief from the strict application of Section 358.03 which states that any portion of a fence located along a parallel to a driveway within 15 feet of its intersection with a public sidewalk shall be 75% open above 2 1/2 feet.



Public Hearing

Calendar No. 22-068:

3195 E. 65 Street

Ward 5



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HISTORY OF THE PROPERTY





LEGAL STANDARD

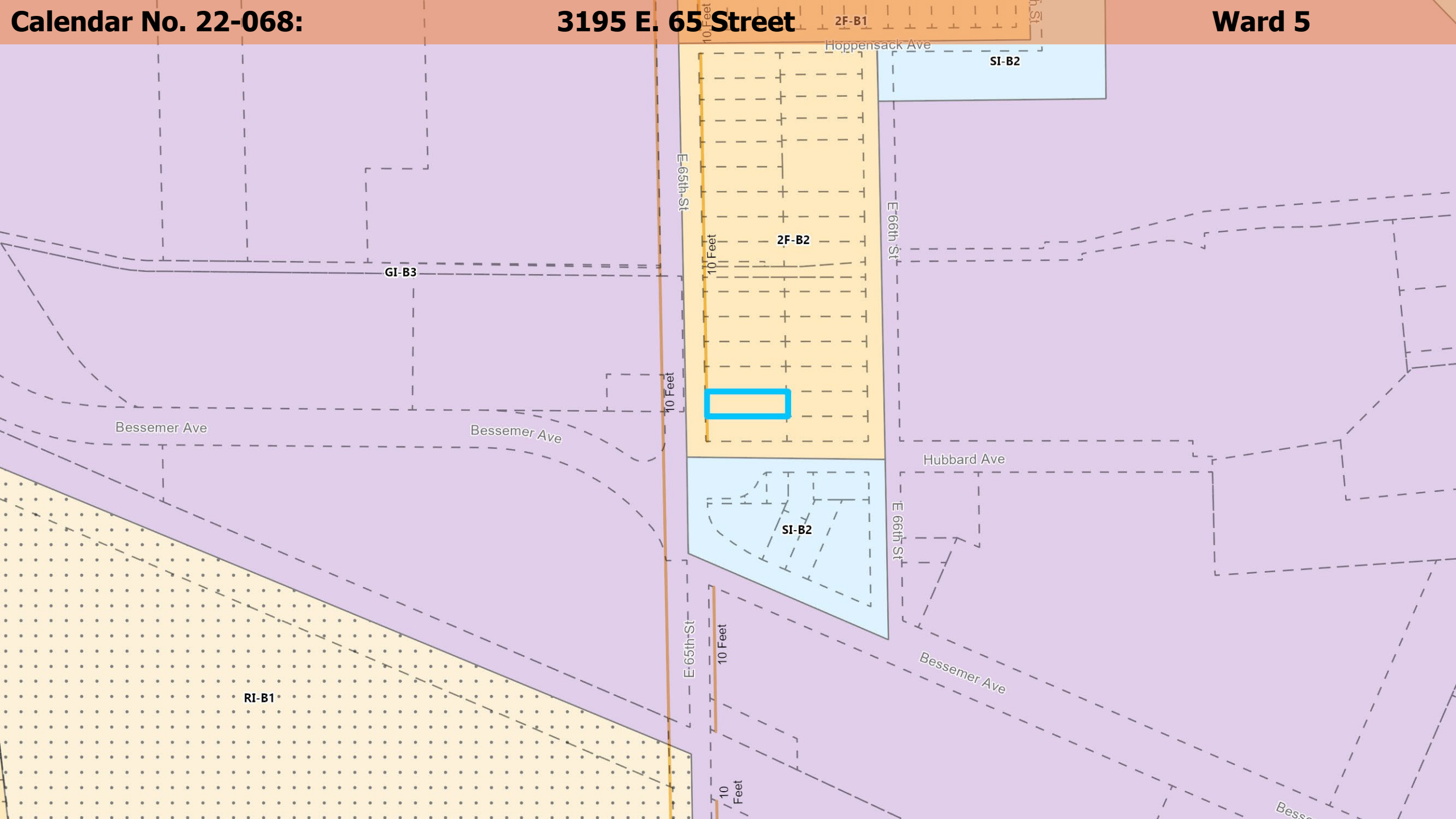
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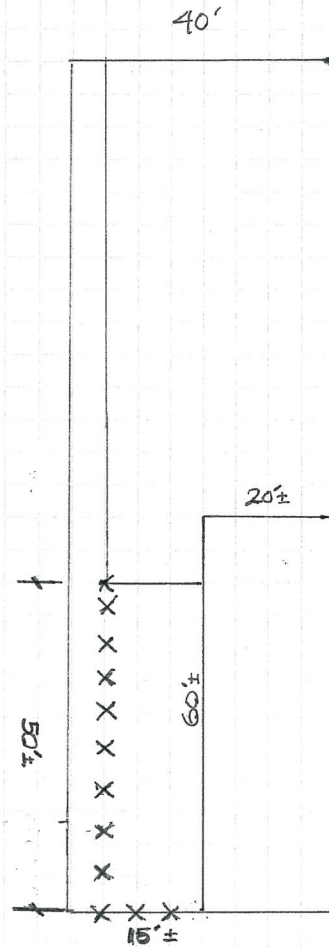
To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.









x x x - fence line
6' High
privacy



3195 E 65th Street.

BZA 22-068

1 sq = 5'
1" = 20'

Public Hearing

Calendar No. 22-069:

14219 Miles Ave.

Ward 1

Everybody Drives, owner, proposes to erect a 6-foot-high ornamental fence in a C1 General Retail Business District. The owner appeals for relief from section 358.05(a)(2) which states in non-residential districts other than General and Unrestricted Industry Districts fences in actual front yards and side street yards shall not exceed 4 feet in height and shall be at least 50% open above 2 ½ feet in height. The proposed fence is 6-foot-high.



Public Hearing

Calendar No. 22-069:

14219 Miles Ave.

Ward 1



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HISTORY OF THE PROPERTY



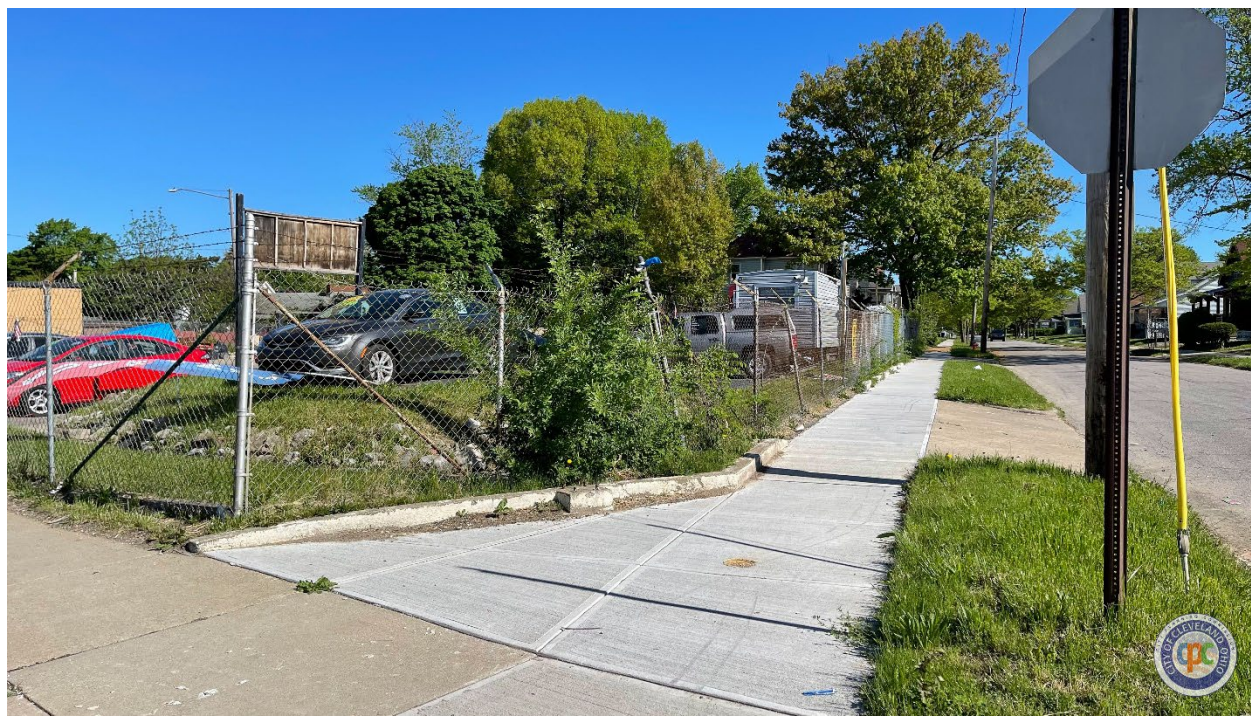


LEGAL STANDARD

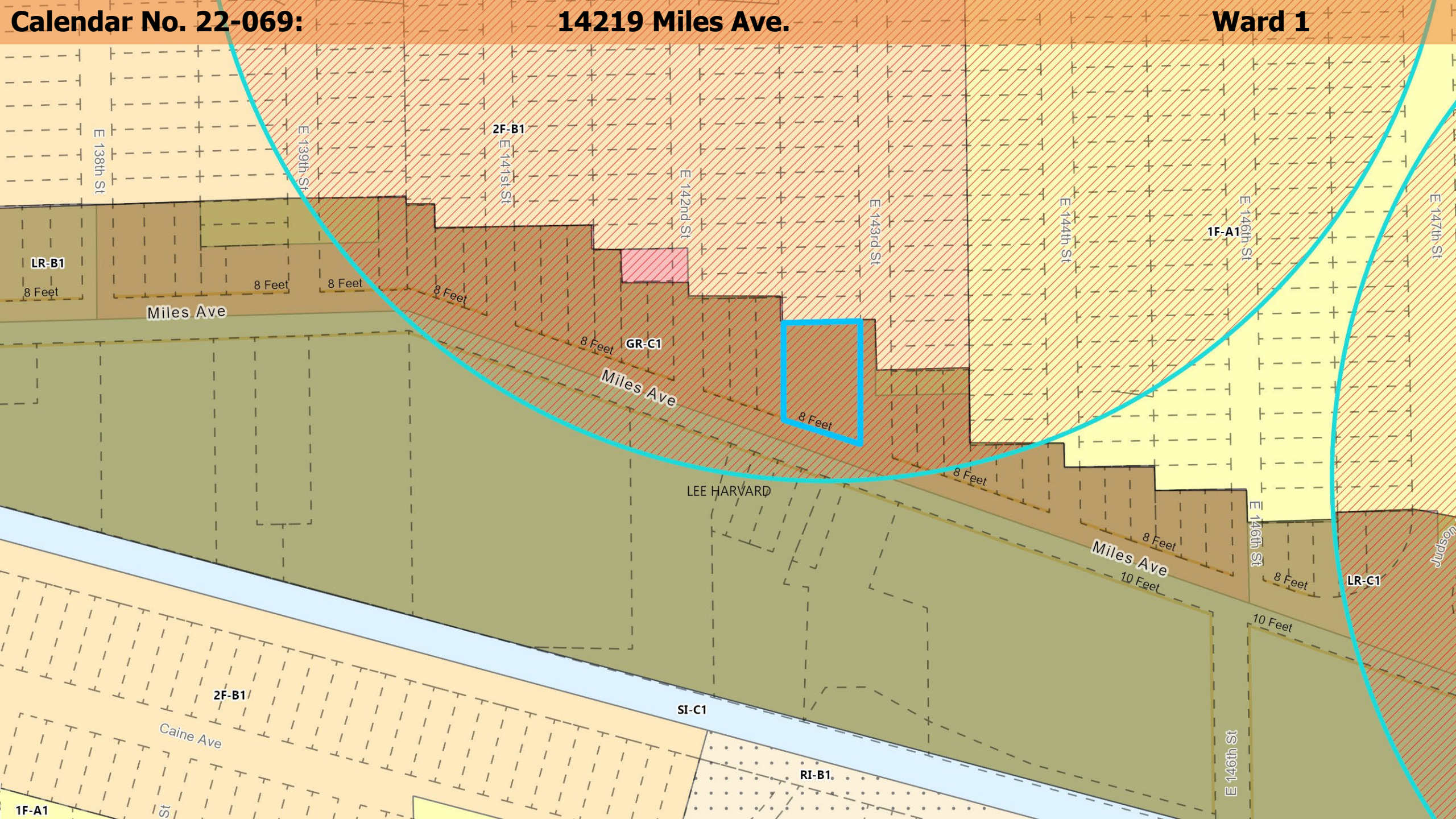
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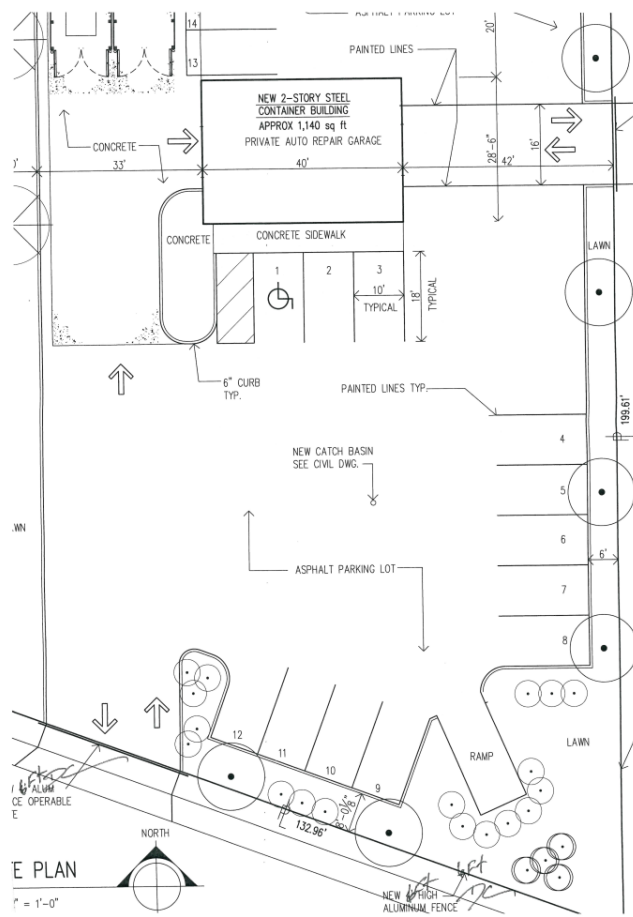
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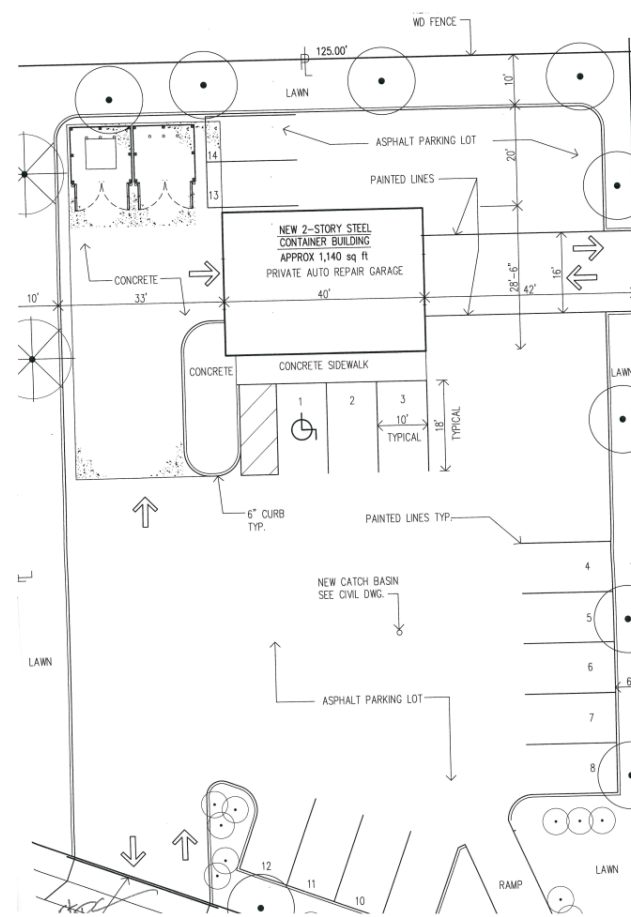




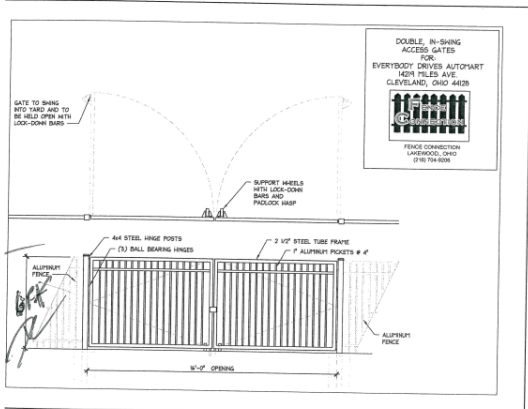




FRONT

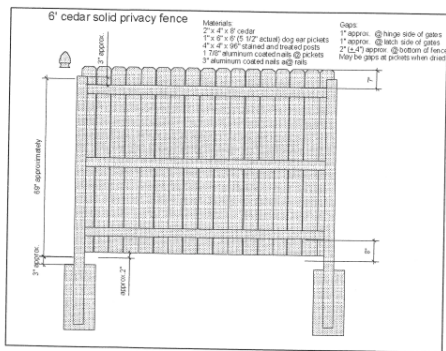


Rear



DETAIL – ACCESS GATE

N.T.S.



DETAIL – WOOD FENCE

N.T.S.

ADDENDUM REVISIONS		
ADDENDUM NO.	ADDENDUM DATE	BY

ISSUED FOR CONSTRUCTION

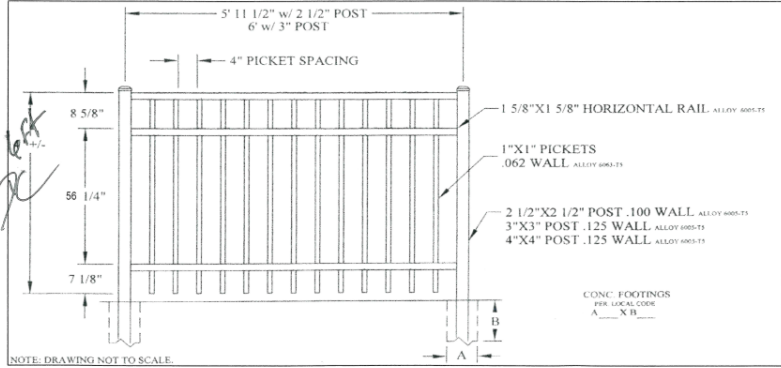
NO.	DESCRIPTION	DATE	BY



ALTERNATIVE DESIGN STATE OF OHIO MODULAR PROJECT

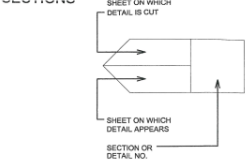
TH OC	EMERALD ARBORVITAE	THUJA OCCIDENTALIS	3"Ø	15'	19
HY MA	GLOWING EMBER'S HYDRANGEA	HYDRANGEA MACROPHYLLA	24"	3'-4'	24
CR C-G	COCKSPUR HAWTHORN	CRATAEGUS CRUS-GALLI	1-½"Ø	15'	5
MA FO	BLACKTHORN	PRUNUS SPINOSA	1-½"Ø	3'-4'	5

NOTE: ALL PLANTING BEDS TO BE FILLED WITH
4" TOPSOIL & 3" SHREADED CYPRESS OR CEDAR MULCH



DETAIL -ALUMINUM FENCE

N.T.S.



KEY PLAN

COPYRIGHT: ALL RIGHTS RESERVED
DRAWN: KAW DATE: 02-01-20
CHECKED: JMW JOB NO.: 11416000
SCALED: AS NOTED

PROJECT NO.
**CONTAINER
ROUGH OPEN ELEVATIONS**

PREPARED FOR:
EVERYBODY DRIVES AUTOMART
14219 MILES AVE
CLEVELAND, OHIO 44128

PREPARED BY:
 WHITLEY/ WHITLEY INC.
ARCHITECTS AND PLANNERS
3311 WARRENSVILLE CTR., STE #408 SHAKER, OHIO 44122

DATE: 02/01/20 SET OF: SHEET: A-3

Public Hearing



Calendar No. 22-071:

341 Eddy Rd.

Ward 8

Western Inc., owner, proposes to establish use as a concrete supply plant with outside stockpile of materials in a Semi-Industry District and a General Industry District. The owner appeals for relief from the strict application of the following sections of the Zoning Code:

1. 345.03(c) (33) which states that outdoor storage of stone gravel sand and similar material is not permitted in a Semi-Industry District.
2. 345.04(a)(3) which states that when permitted in a General Industry District, premise for storage of stone gravel and sand and other construction materials must be at least 500 feet from a residential district and screened with seven foot high solid fence. Premises of the proposed use are within 500 feet of residence district and solid 7 foot high fence is not proposed on planned.



Public Hearing

Calendar No. 22-071:

341 Eddy Rd.

Ward 8



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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Please Raise Your Hand.
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HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and area variances from the distance and fencing regulations of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

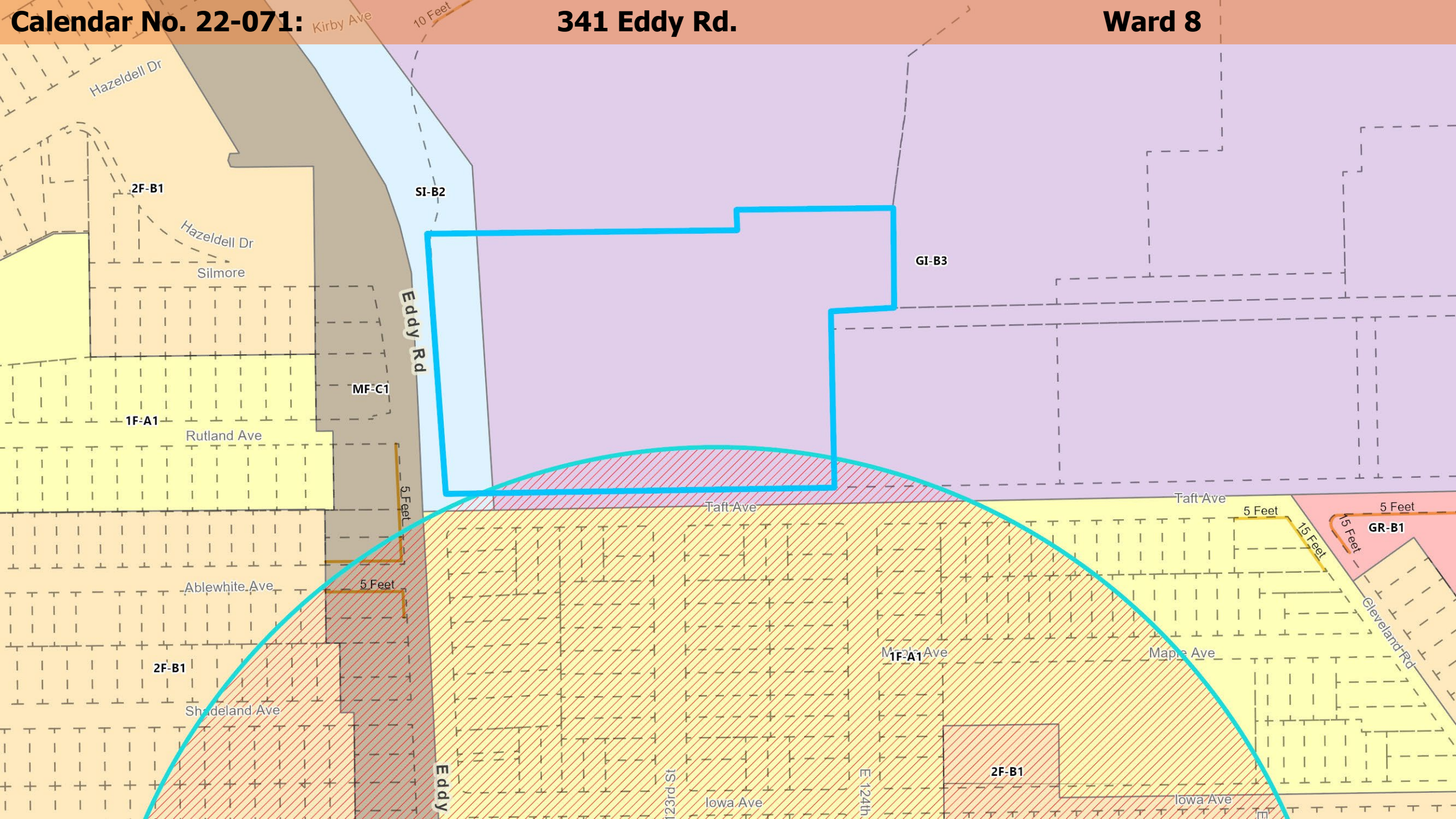
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3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.







Calendar No. 22-071:

Kirby Ave
10 Feet

341 Eddy Rd.

Ward 8

2F-B1

SI-B2

GI-B3

MF-C1

1F-A1

Rutland Ave

5 Feet

Taft Ave

5 Feet

5 Feet

GR-B1

Ablewhite Ave

5 Feet

15 Feet

Cleveland Rd

2F-B1

Shadeland Ave

1F-A1

Maple Ave

2F-B1

Iowa Ave

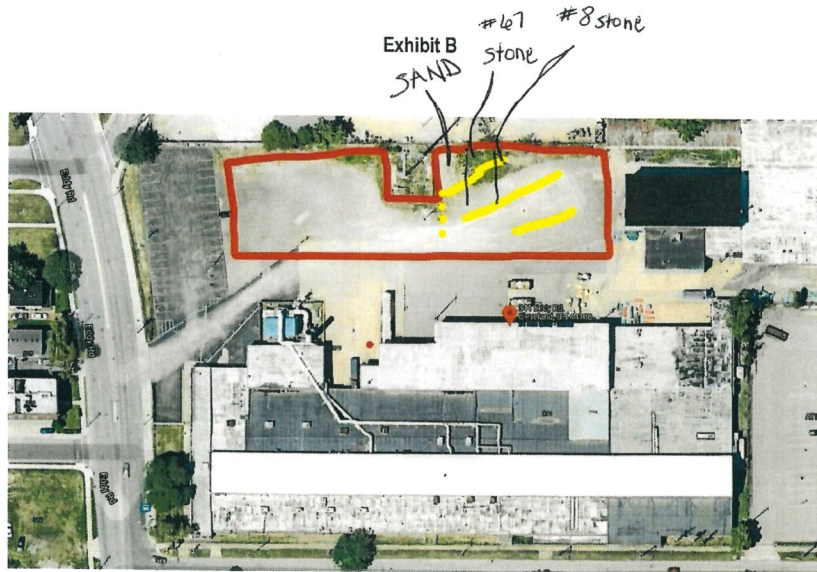
Iowa Ave

Eddy Rd

Eddy

123rd St

E 124th



stock piles

22-071



RECEIVED
 APR 26 2022
 BOARD OF
 ZONING APPEALS

Scale 1 inch = 30 Ft

22-071

City of Cleveland
 Parcel No. 111-19-0003
 Vol. 92-6320, Pg 58

Parcel 6
 6.5036 Acres

Taft Avenue
 60' Public R/W

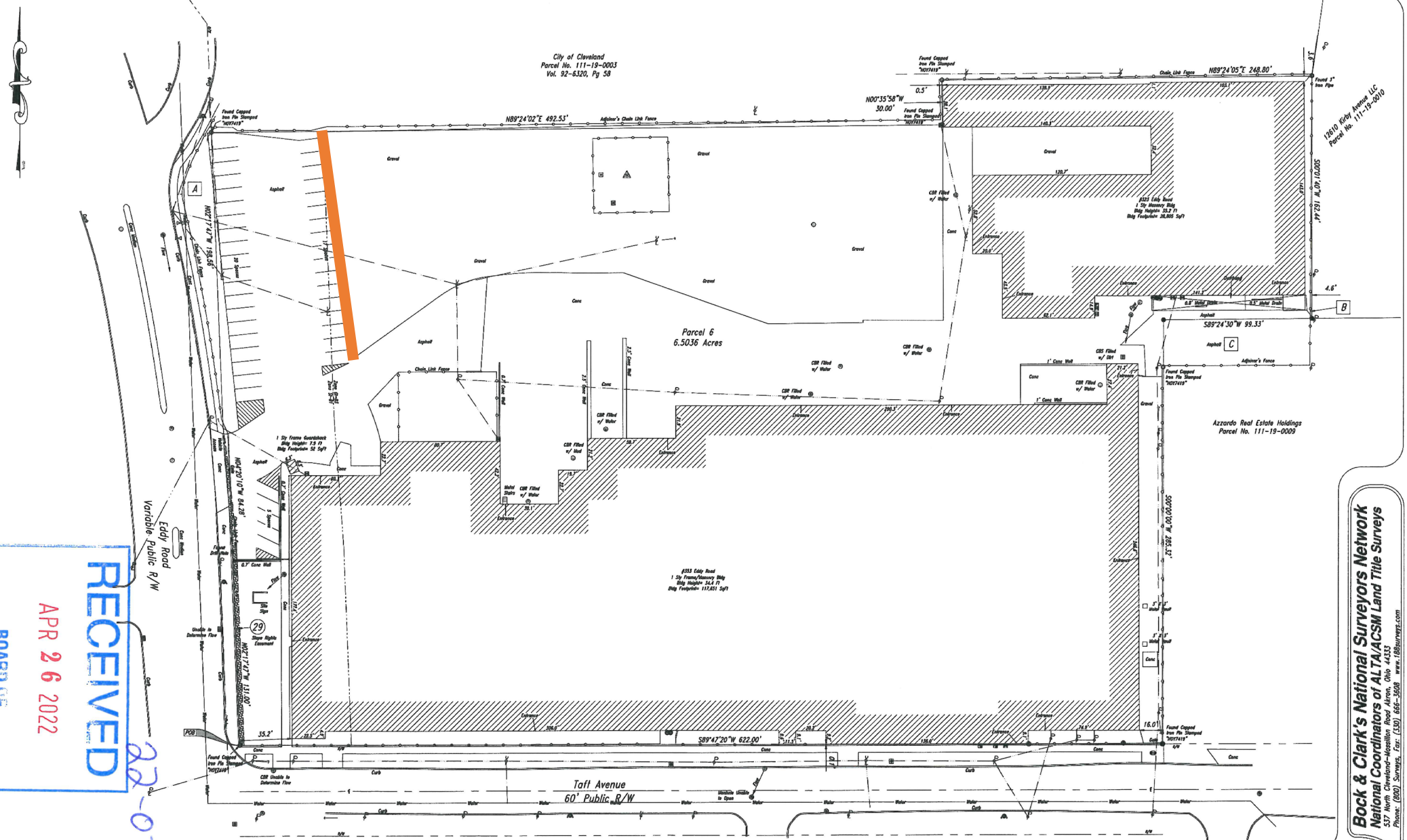
Ascardo Real Estate Holdings
 Parcel No. 111-19-0009

Bock & Clark's National Surveyors Network
 National Coordinators of ALTA/ACSM Land Title Surveys
 557 North Cleveland-Mesillon Road Akron, Ohio 44333
 Phone: (202) 599-1111 Fax: (202) 599-1112 www.bockandclark.com

ALTA/ACSM LAND TITLE SURVEY
 PREPARED FOR:
 Weston OH 5

Date: Dec. 11, 2008
 Project No. 200801709-5

Sheet 2 of 2





CITY OF CLEVELAND
Office of the Council

www.clevelandcitycouncil.org

Michael D. Polensek COUNCIL MEMBER, WARD 8

COMMITTEES: Safety - *Chair* • Finance, Diversity, Equity & Inclusion • Utilities • Rules

May 20, 2022

Ms. Elizabeth Kukla
Board of Zoning Appeals
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Board of Zoning Appeals:

As Councilman representing Cleveland's 8th Ward, I am writing this letter pertaining to Calendar No. 22-071 for 341 Eddy Road, for Western Inc., owner, who is proposing to establish use as a concrete supply plant in the East Glenville / Eddy Road Industrial Park.

I have spoken to the owner and his representation in regards to this business. I talked to the owner on several occasions, to discuss his proposal. I support the business and his efforts in improving this industrial site.

Because he proposes outdoor storage for the stone, gravel, sand and other material used in his concrete business, I am insisting that all means necessary be taken to limit the amount of dust and blow off from these materials into the adjoining neighborhood. In addition, regarding fencing, the whole southern portion of the industrial building blocks the residential portion from the property in question. Furthermore, I have received no adverse calls or correspondence from any neighbor, as of this writing.

Any questions pertaining to my support of this proposal, please feel free to contact me. I may be reached through my office at (216) 664-4236 or via email at mpolensek@clevelandcitycouncil.org.

Sincerely yours,

Michael D. Polensek

Michael D. Polensek
Councilman, Ward 8

Public Hearing

Calendar No. 22-090:

1111 Fairfield Ave.

Ward 3

Elenny Marvis Tuleta, owner, and 1209 Fairfield LLC., prospective purchaser, propose to erect a four-story, 97 unit apartment building with 2,300 square feet of ground floor retail space in a G2 Multi-Family Residential District and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.08 which states that retail use is not permitted in a Multi-Family Residential District.
2. Section 341.02 which states that approval of the city Planning Commission department is required.



Public Hearing

Calendar No. 22-090:

1111 Fairfield Ave.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

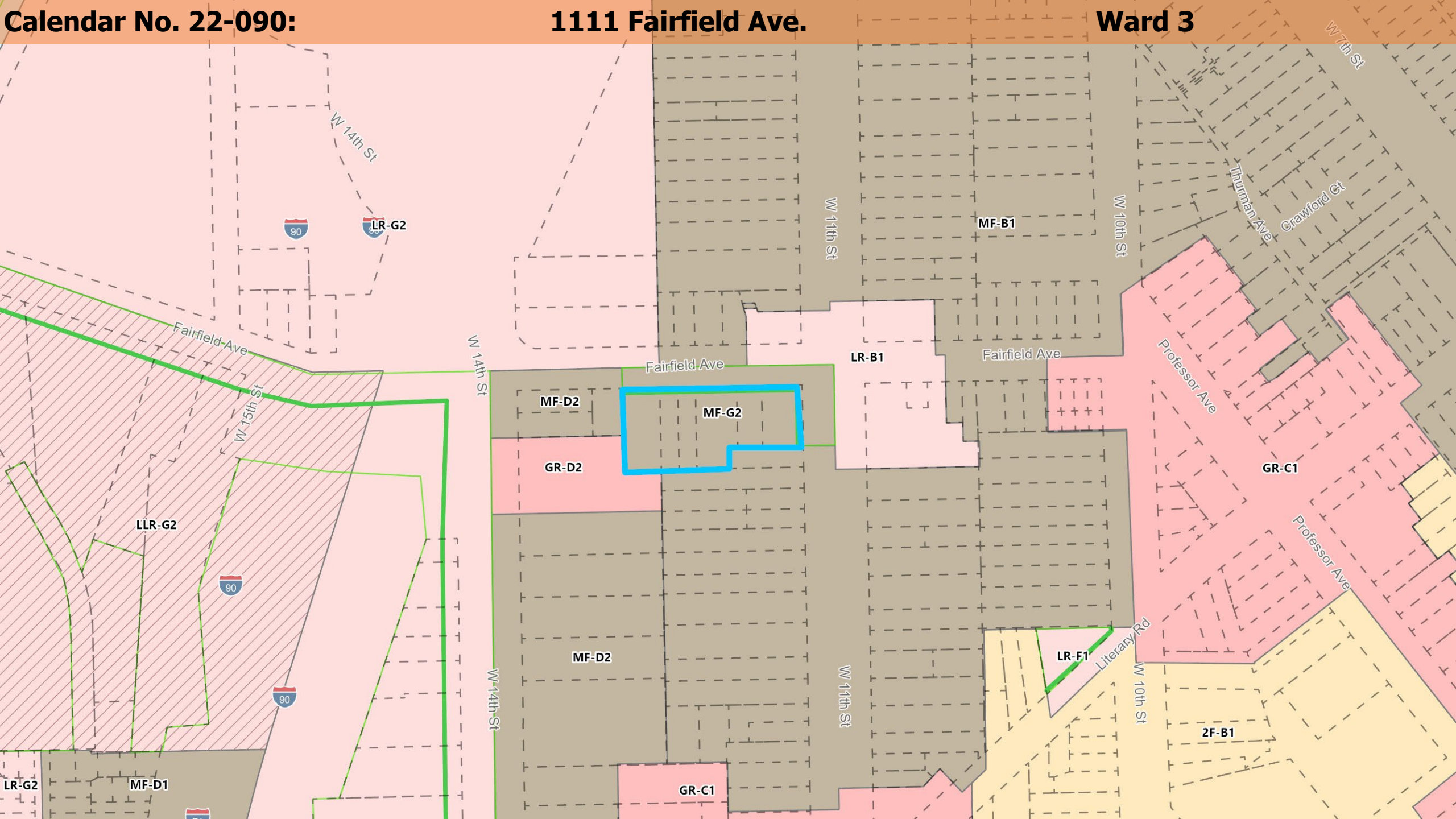
Madam Chair, Members of the Board, Appellant is requesting a use variance from the regulations of the zoning code.

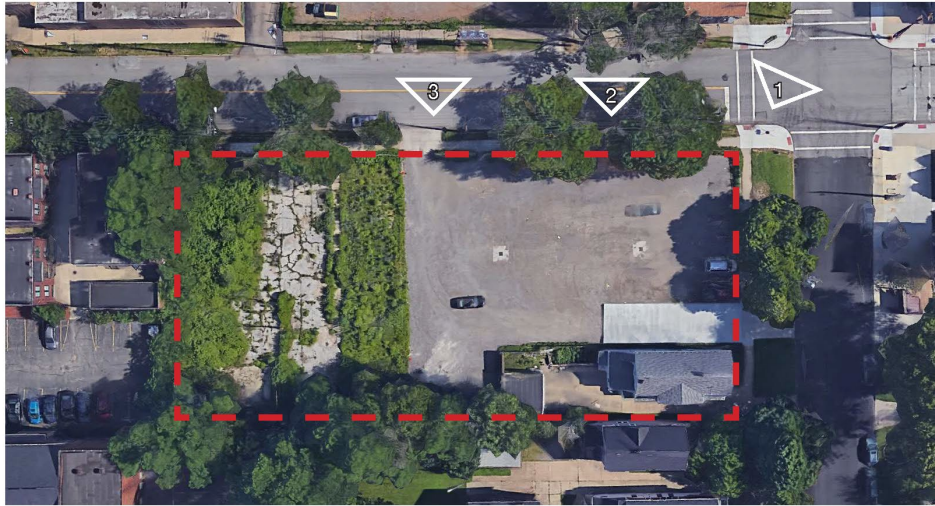
To obtain the use variance, Appellant must prove that denying the request:

1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.









EXISTING CONDITIONS - AERIAL VIEW



EXISTING CONDITIONS - VIEW 1



EXISTING CONDITIONS - VIEW 2

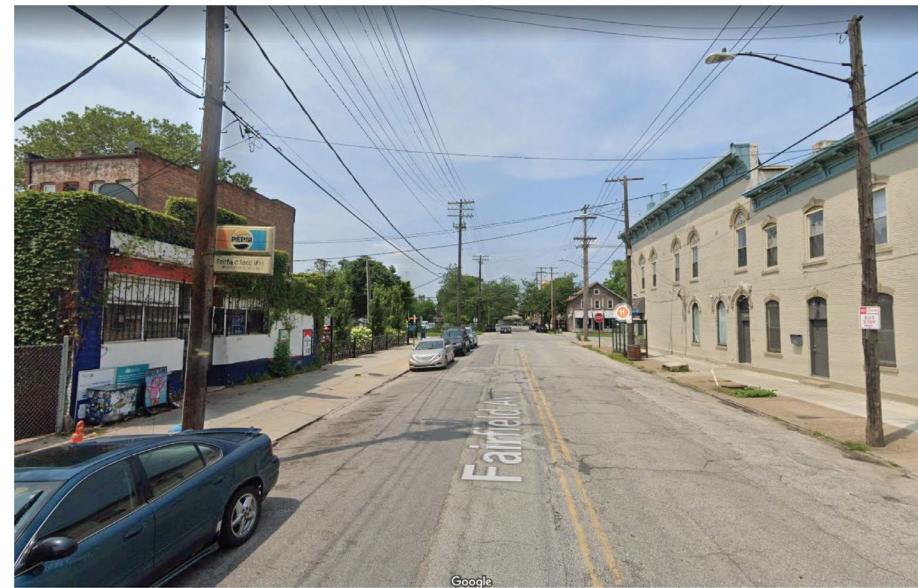


EXISTING CONDITIONS - VIEW 3

EXISTING CONDITIONS



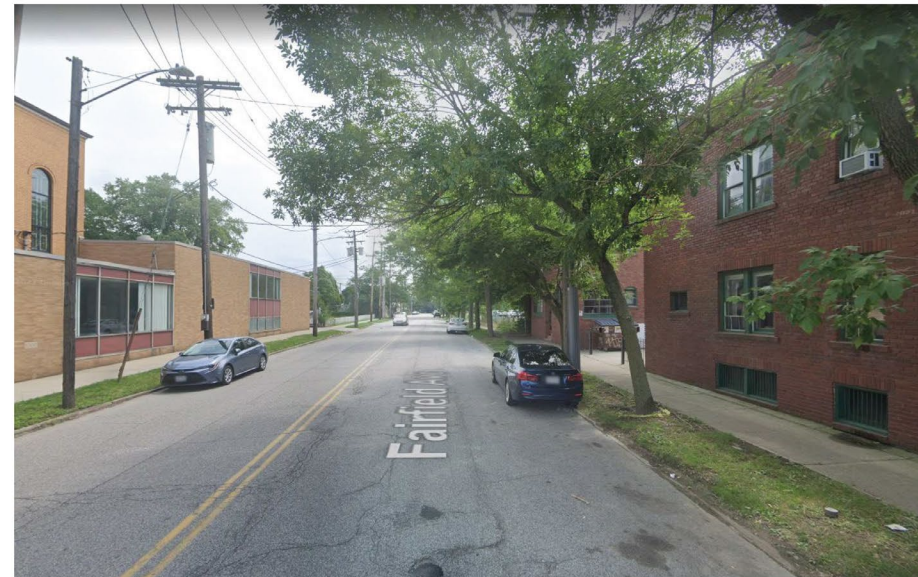
SITE AERIAL / VIEW LEGEND



VIEW 1 FROM EAST



VIEW 2 FROM SOUTH



VIEW 3 FROM WEST

SITE CONTEXT



VIEW 4 FROM NORTH



ADJACENT BUILDING 5



ADJACENT BUILDING 6



ADJACENT BUILDING 7

SITE CONTEXT



DRIFTWOOD
03/01/2022

eAO
evident architecture office

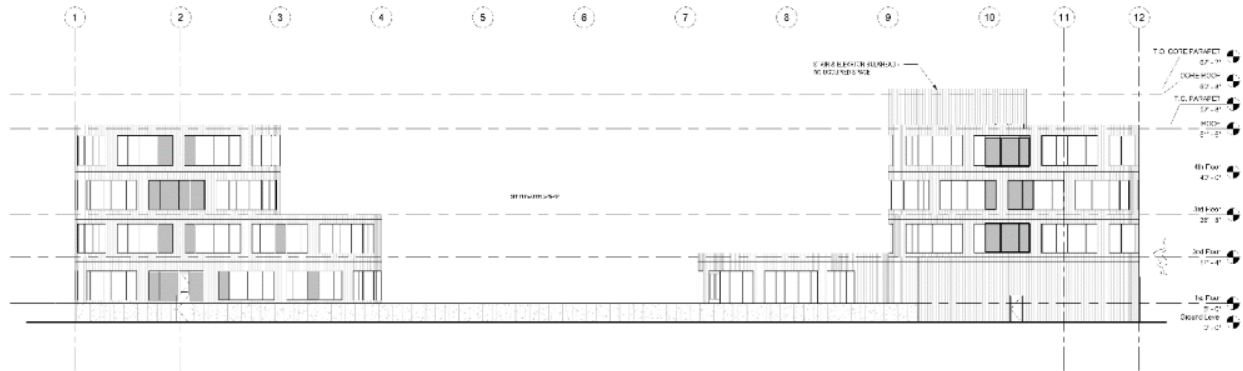
DRIFTWOOD

11/15/2018
DRIFTWOOD

FILED 11/15/18



3 SOUTH ELEVATION - INNER COURTYARD
3/32" = 1'-0"



2 SOUTH ELEVATION
3/32" = 1'-0"



1 NORTH ELEVATION
3/32" = 1'-0"

BUILDING
ELEVATIONS

ZONING REVIEW

DATE 11/15/18

BY EAO

11/15/18

11/15/18

11/15/18

11/15/18

11/15/18

11/15/18

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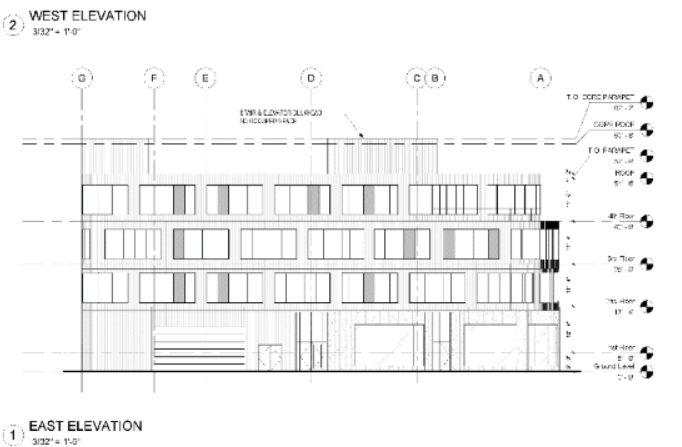
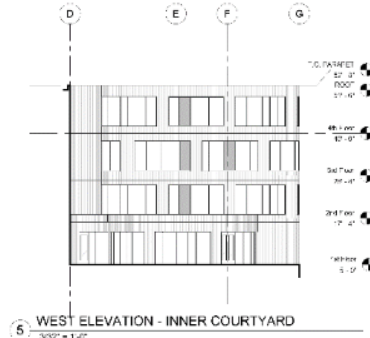
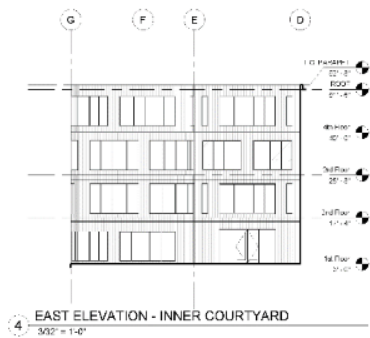
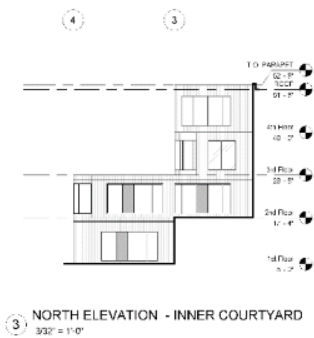
11/15/18

11/15/18

DRIFTWOOD

11/15/2024
C:\Users\jdoyle\OneDrive\Documents\Driftwood\Driftwood.dwg

FILED 11/15/2024



BUILDING
ELEVATIONS

REVIEW

DATE

11/15/2024

11/15/2024

11/15/2024

11/15/2024

11/15/2024

11/15/2024

11/15/2024

11/15/2024

11/15/2024



May 6, 2022

City of Cleveland
Board of Zoning Appeals
601 Lakeside Avenue
Cleveland, OH 44114

Re: **Driftwood Apartments – 1111 Fairfield Avenue**

Dear Mrs. Kukla,

The Economic Development Committee of Tremont West Development Corporation met on April 7, 2022 and discussed the variance – 337.08 for the above referenced project.

The Economic Development Committee, as part of its review, considered the support from the North of Literary Block Club. After reviewing the plans and discussion, the Committee voted to unanimously support the request for variances. This project and a proposed parking lot will contain 126 parking spaces for 101 apartment units which relieved some of the concern from residents of parking congestion issues. There were several items related to lighting and pedestrian raised regarding this building on a prominent corner in Tremont.

This parcel is currently a parking lot that serves the businesses on the three corners of West 11th and Fairfield and will be occupied by the Driftwood Apartment building. It was important to the community that this project not add to the congestion with an overflow of new residents. The additional parking lot (2226 West 11th) helps alleviate those concerns regarding the Driftwood Apartments.

Signed,

Jaime Delet
Chair, Economic Development Committee

Cc: Cory Riordan, Executive Director
Cc: Khalid Hawthorne, Housing & Economic Development Director

NORTH OF LITERARY BLOCK CLUB

Mr. Richard M. Riccardi
City of Cleveland Board of Zoning Appeals
601 Lakeside Ave. Room 516
Cleveland, Ohio 44114

April 20, 2022

Re: 1111 Fairfield Avenue

Zoning Codes: 337.08 341.02

Mr. Riccardo and Board of Zoning Appeals:

The North of Literary Block Club voted and approved the proposed 97 unit apartment building with 2,300 square feet of ground floor retail space with the variances presented in the Notice of Non-Conformance.

The Block Club voted on Tuesday, 19 April 2022.

A handwritten signature in black ink, appearing to read "Jim Naccarato".

Jim Naccarato
Co-chair

Public Hearing



Calendar No. 22-091:

2226 W. 11 St.

Ward 3

1209 Fairfield LLC., owner, proposes to construct and establish use as a parking lot in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances

1. Section 349.13(c) which states that a parking lot is not permitted use in a Multi-Family residential district. The board of zoning appeals may permit temporarily or permanently the use of land in a residence district other than Limited One Family District for a parking lot when the best interest of the community will be served and provided that:

- The lot is to be used only for parking of passenger automobiles of employees customers or guests of a person or firm controlling and operating the lot, who shall be responsible for its maintenance.
- No charges to be made for parking lot number.
- The lot is not to be used for sales repair work or service of any kind number.
- Entrance to and exit from the lot are to be located so as to do the least harm from the residential district.
- No advertising sign or materials to be located on the lot.
- All parking is being kept back of the setback building line by barrier unless specifically authorized otherwise by the board.
- The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street from the adjoining property in a residence district by a hedge sightly fence or wall not less than 4 feet 6 inches high and not more than 5 feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is known to occupants of adjoining property and residence district and the surface parking lot is to be smoothly grated hard surfaced and adequately drained.
- The building permit number under which the lot is established as to be posted.
- Such other and further conditions may be imposed as the board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot up on the character development and maintenance of the residence district in which the parking lot is to be located.



Public Hearing

Calendar No. 22-091:

2226 W. 11 St.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY



Public Hearing

Calendar No. 22-091:

2226 W. 11 St.

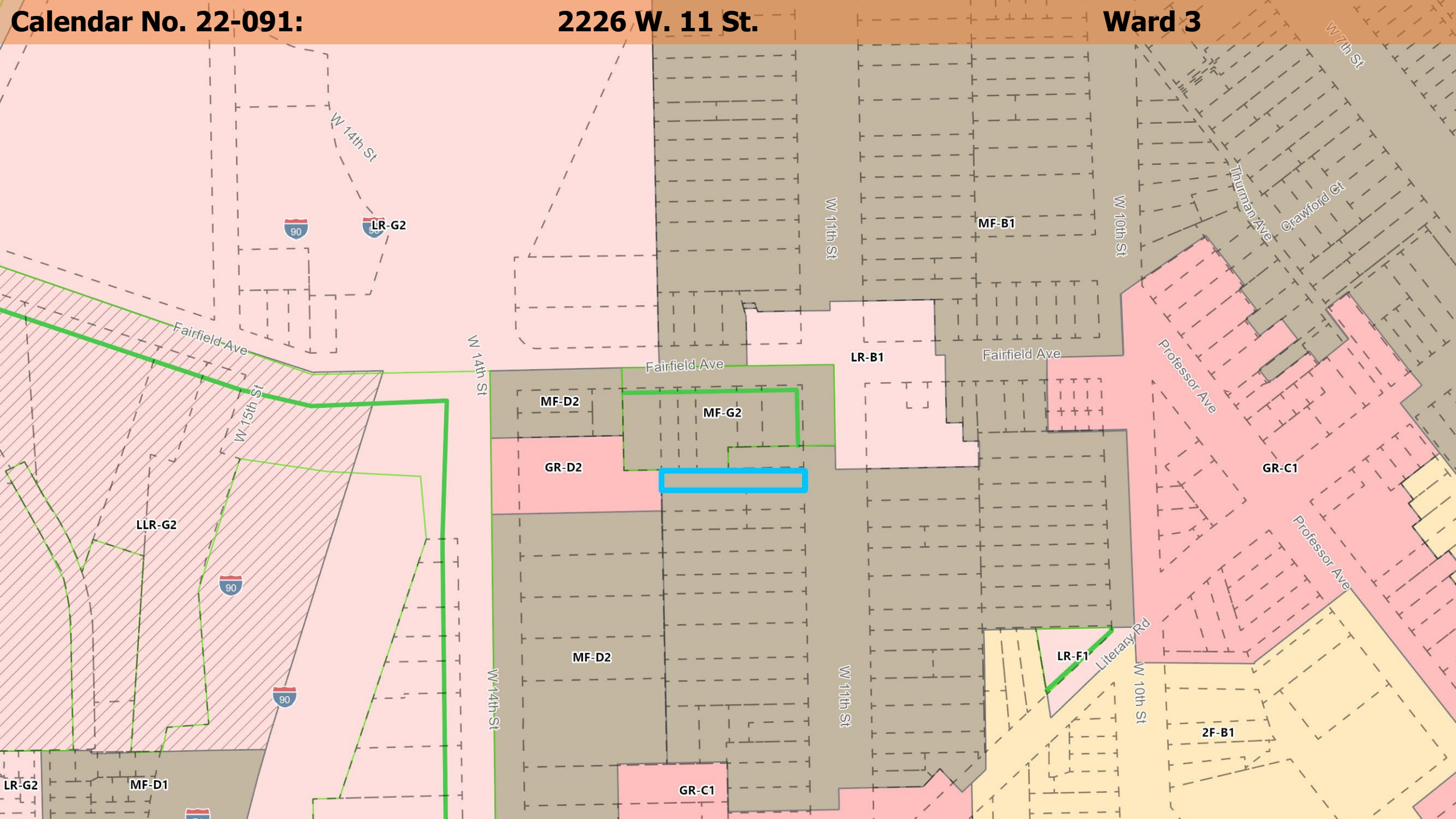
Ward 3



LEGAL STANDARD









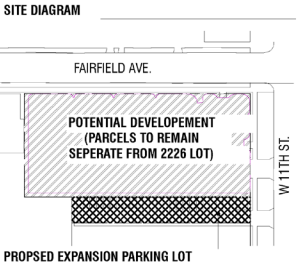




Screen at West Property Line:
Columnar Emerald Green Arborvitae



Screen at East Property Line (w11th St):
1x4 Bleached TK Cedar Board Fencing With 1/4" Gaps Between Boe (93% Opaque). Match Siding on Adjacent Project.



SITE DESCRIPTION

PROPOSED EXPANSION PARKING LOT:
(PARCEL TO REMAIN SEPERATE FROM MAIN LOT)
- PARCEL NUMBER: 004-12-083

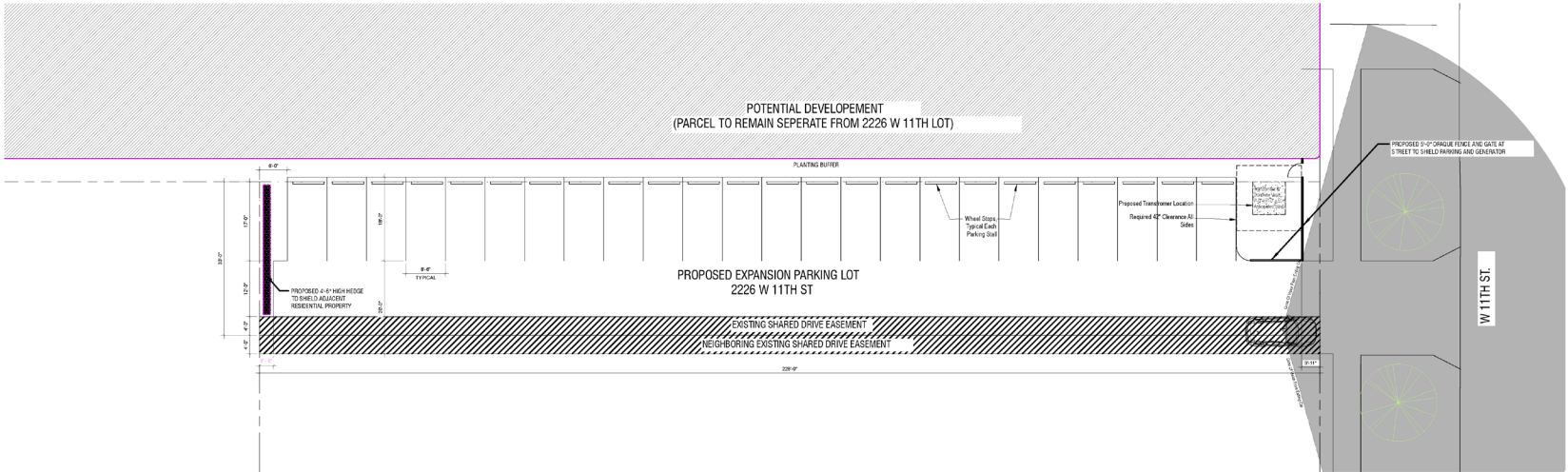
POTENTIAL DEVELOPEMENT TO NORTH:
- PARCEL NUMBERS: 004-12-038, 004-12-039, 004-12-040, 004-12-041, 004-12-042, 004-12-084, 004-12-085

SITE AREA

PROPOSED EXPANSION PARKING LOT: 7,524 SF

PARKING COUNT

PROPOSED EXPANSION PARKING: 24 STALLS



1 SITE PLAN
1/8" = 1'-0"

411 SE 58th Place
Portland Oregon 97215
503954.2862
evidentoffice.com

J. P. ELLIS
ARCHITECT
These drawings are the property of J. P. Ellis
Architect and shall not be used for any other
purpose without the written consent of
J. P. Ellis Architect

EXPANSION
PARKING

2226 W 11TH ST
CLATSOP CO, OR

000000 00-00

000000 00-00

SITE PLAN &
PARKIGN
SUMMARY

ZONING REVIEW

000000 00-00

000000 00-00

000000 00-00

000000 00-00



May 6, 2022

City of Cleveland
Board of Zoning Appeals
601 Lakeside Avenue
Cleveland, OH 44114

Re: **Driftwood Parking Lot - 2226 W 11th St**

Dear Mrs. Kukla,

The Economic Development Committee of Tremont West Development Corporation met on April 7, 2022 and discussed the variance – 349.13 (c) for the above referenced project.

The Economic Development Committee, as part of its review, considered the support from the North of Literary Block Club. After reviewing the plans and discussion, the Committee voted to support the request for variances by a vote of six in favor and one abstention. This project is an important component for the community to support the Driftwood Apartment building that will be built next door to this lot.

The current parking lot that serves the businesses on the three corners of West 11th and Fairfield will be occupied by the Driftwood Apartment building. It was important to the community that this project not add to the congestion with an overflow of new residents. This parking lot helps alleviate those concerns regarding the Driftwood Apartments.

Signed,

Jaime Delet
Chair, Economic Development Committee

Cc: Cory Riordan, Executive Director
Cc: Khalid Hawthorne, Housing & Economic Development Director

NORTH OF LITERARY BLOCK CLUB

Mr. Richard M. Riccardi
City of Cleveland Board of Zoning Appeals
601 Lakeside Ave. Room 516
Cleveland, Ohio 44114

April 20, 2022

Re: 2226 West 11th St.

Zoning Code: 349.13(c)

Mr. Riccardo and Board of Zoning Appeals:

The North of Literary Block Club voted and unanimously approved the proposed construction and establishment use as a parking lot with the variances presented in the Notice of Non-Conformance.

The Block Club voted on Tuesday, 19 April 2022.

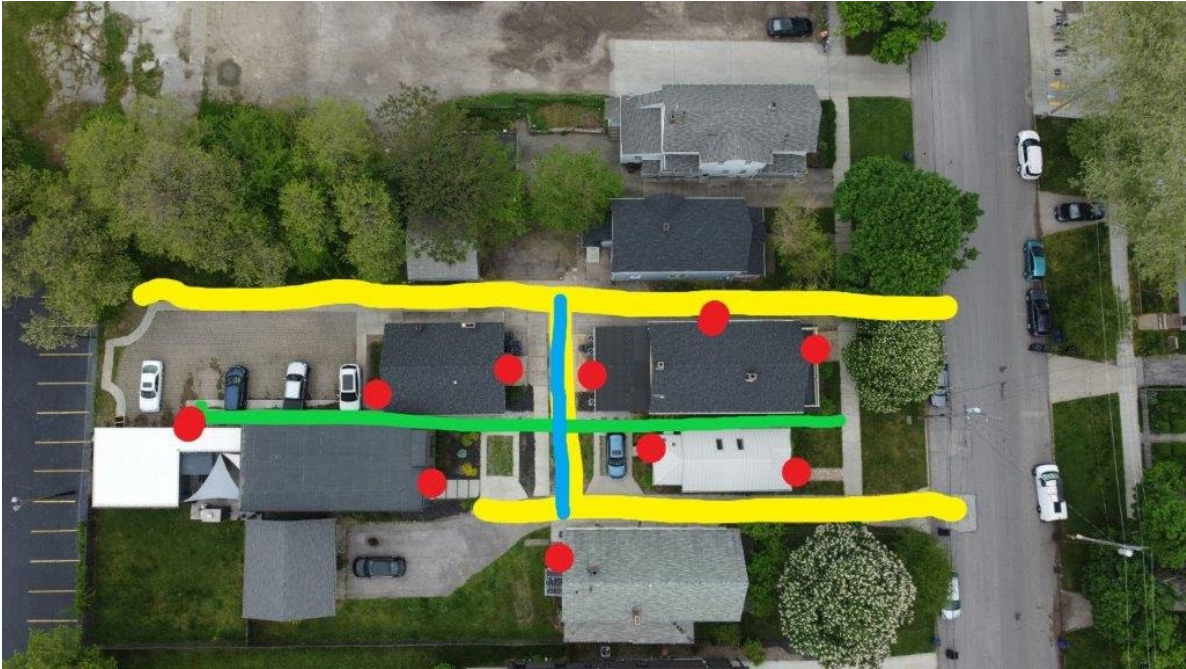
A handwritten signature in black ink, appearing to read "Jim Naccarato".

Jim Naccarato
Co-chair

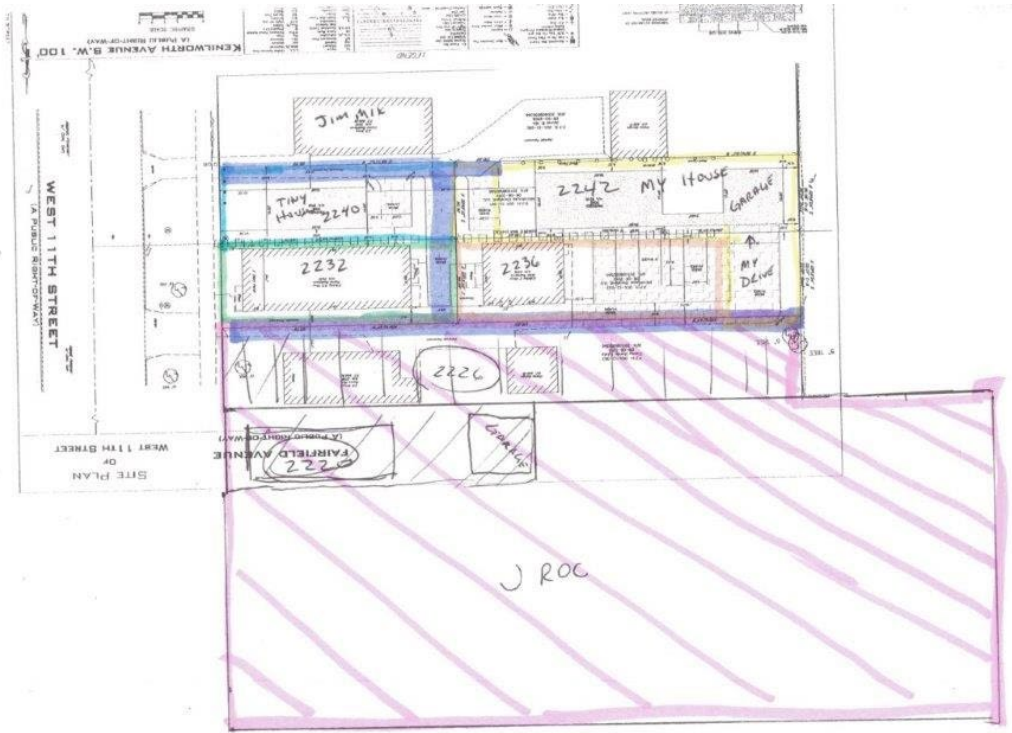












Cleveland Board of Zoning Appeals

Old Business



Public Hearing



1. Cal. No. 22-055:	4267 E. 168 Street	(KB, TB, AF, MB)
2. Cal. No. 22-057:	3693 Warren Rd.	(KB, TB, AF, MB)*
3. Cal. No. 22-061:	10510 Clifton Blvd.	(KB,TB, AF, MB)
4. Cal. No. 22-063:	2252 E. 101 Street	(KB, TB, AF, MB)
5. Cal. No. 22-066:	1823 Crawford Ave.	(KB, TB, AF, MB)
6. Cal. No. 22-067:	2147 W. 47 St.	(KB, TB, AF, MB)
7. Cal. No. 22-050:	1770 W. 57 St.	(KB, TB, AF, MB)*
8. Cal. No. 22-022:	1010 E. 146 St.	(KB, TB, AF, MB)*
9. Cal. No. 22-013:	1327 W. 102 ST	(KB,TB,AF,MB)*
10. Cal. No. 22-014:	1250 Riverbed St.	(KB, TB, AF, MB)*
11. Cal. No. 22-008:	1269 W. 76 Street	(KB,TB, AF, MB)
12. Cal. No. 21-203:	8502 Hough Ave.	(KB, TB, AF, MB)*
13. Cal. No. 21-206:	4533 Warner Rd	(KB, TB, AF, MB)*
14. Cal. No. 21-177:	18403 Euclid Ave.	(KB, TB, MB, AF)*
15. Cal. No. 21-141:	7202 Hague Ave.	(KB, TB, AF, MB)*
16. Cal. No. 21-091:	4157 Lorain Ave.	(D,KB,AF,MB)*
17. Cal. No. 21-006:	9501 Pierpoint Ave.	(J,D,KB,AF,MB)* ^{5/3/21}
18. Cal. No. 20-098:	1854 W. 48 th Street	(J,D,KB,AF,MB)* ^{8/24/2020} (lot cons)

REQUESTS FOR AFFIRMATION: None

REQUEST FOR REHEARING: None.

REQUEST FOR UPCOMING POSTPONEMENT: None.

MISC- None.

- ~ Items received
- * Pending the receipt of requested information by the Board.
- *** Request for Rehearing/Reconsideration.

Cleveland Board of Zoning Appeals

Adjournment

